

REMARKS/ARGUMENTS

Applicants submit this Amendment, together with a Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(c) (“SIDS”), in reply to the Office Action mailed September 3, 2003.

In this Amendment, Applicants amend the title and specification to improve clarity. Applicants also amend the Abstract of the Disclosure to more closely parallel new independent claim 59. Additionally, Applicants cancel, without prejudice or disclaimer, claims 30-58, and add new claims 59-73, to improve clarity. Applicants further correct a reference character in Figs. 2 and 3.

No claim amendments are made in response to the rejections under 35 U.S.C. § 102(b).

Before entry of this Amendment, claims 30-58 were pending in this application. After entry of this Amendment, claims 59-73 are pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to the title, specification, abstract, and drawings and the addition of new claims 59-73. No new matter was introduced.

In the Office Action, the Examiner rejected claims 30-33, 35, and 37 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,728,957 to Dickinson (“Dickinson”).

The Examiner also stated that claims 34, 36, and 38-43 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully traverse the Examiner’s rejections for at least the reasons discussed below.

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Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's statement that claims 34, 36, and 38-43 would be allowable if rewritten.

Benefit of Prior-Filed Applications

In the Preliminary Amendment filed with the application on June 21, 2001, Applicants claimed the benefit under 35 U.S.C. § 119(e) based on prior-filed, copending provisional application No. 60/118,527, filed February 2, 1999, in the USPTO. However, the Office Action Summary (PTO-326) does not appear to acknowledge this claim.

Applicants respectfully request that the Examiner expressly acknowledge Applicants' claims to the benefit of the provisional application in the next paper mailed from the USPTO.

Drawings

The drawing corrections include one (1) Replacement Sheet (Figs. 2-4) and one (1) Annotated Marked-up Drawings (Figs. 2-4). The drawing corrections correct a reference character in Figs. 2 and 3.

Section 102(b) Rejection—Independent Claim 30/59

Applicants submit that independent claim 59 (subject matter corresponding to claim 30) is patentable under 35 U.S.C. § 102(b) over the cited references, including Dickinson and the other art of record.

For anticipation under 35 U.S.C. § 102(b), the reference must teach every aspect of the claimed invention either explicitly or implicitly. See M.P.E.P. 706.02 (8th ed., Rev. 1, 2003). Dickinson, however, does not teach or suggest all aspects of independent claim 59, including,

inter alia, “wherein each elongated section is laid down substantially in a plane parallelly offset relative to a meridian plane of the toroidal support.”

Applicants note that the specification of the present application defines the term “meridian plane” as “a plane passing through the geometric axis ‘O’ of the toroidal support.” (Specification, p. 22/ll. 13-14). Additionally, the specification of the present application defines the term “parallelly offset” as “the deposition plane N, seen in a direction parallel to the geometric axis ‘O’ of the toroidal support 11 as in Figs. 8 to 15, is substantially parallel to the meridian plane P or in any case does not converge on the geometric axis of the toroidal support itself, at least at the intersection between the equatorial plane X-X and the geometric axis.” (Id., p. 22/ll. 21-27).

Applicants submit that the specification of Dickinson describes the making of a standard bias-ply tire, including a first layer of cord units disposed angularly of the axis of the tire mandrel followed by a second layer of cord units disposed angularly of the axis of the tire mandrel, where the orientation of the two layers is reversed. (See, e.g., Dickinson, p. 26, ll. 85-112). And the Office Action admits that the cord units of Dickinson are disposed angularly of the axis of the tire mandrel. (Office Action, p. 3, § 3). However, contrary to the Office Action’s claim that this is “analogous to being laid down in a plane parallelly offset relative to a meridian lane of the toroidal support,” to the extent that the cord units of Dickinson are laid down in a plane, that plane is angularly disposed to the meridian plane of the toroidal support, not parallelly offset as recited in the claim of the present invention.

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Because Dickinson does not teach, either explicitly or implicitly, all aspects of claim 59, Applicants submit that independent claim 59 is patentable under 35 U.S.C. § 102(b) over the cited references, including Dickinson and the other art of record.

Section 102(b) Rejections—Dependent Claims 31-33, 35, and 37/60-63, 65, and 67

Applicants submit that dependent claims 60-63, 65, and 67 (subject matter corresponding to claims 31-33, 35, and 37) are patentable under 35 U.S.C. § 102(b) over the cited references, including Dickinson and the other art of record, at least due to the direct or indirect dependency of claims 60-63, 65, and 67 from independent claim 59.

Allowable Claims 34, 36, and 38-43/64, 66, and 68-73

Applicants submit that dependent claims 64, 66, and 68-73 (subject matter corresponding to claims 34, 36, and 38-43) are allowable over the cited references, including Dickinson and the other art of record, at least due to the direct or indirect dependency of claims 64, 66, and 68-73 from independent claim 59.

Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

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Summary

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this Application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: December 2, 2003

By: _____

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